

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYCE R. MONGER	:	
	:	CIVIL ACTION - LAW
	:	
v.	:	NO. 02-CV-2757
	:	
SALOMON J. BERENHOLZ	:	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION TO EXTEND DISCOVERY, EXTEND DEADLINE FOR  
MOTIONS FOR SUMMARY JUDGMENT AND TO RESCHEDULE TRIAL  
DATE**

Plaintiff, Joyce Monger, by and through her undersigned counsel, respectfully requests that this Honorable Court extend the revised discovery deadline, extend the deadline for the filing of motions for summary judgment, and reschedule the date for trial of this action, and in support thereof avers as follows:

1. The original Scheduling Order for this action, entered on August 20, 2002, provided a discovery deadline of December 2, 2002, however, that Order further provided that the parties could thereafter continue to conduct discovery "...by agreement of the parties without court approval..." (See Exhibit "A," August 20, 2002 Scheduling Order.)
2. The original Scheduling Order further provided a deadline for filing of motions of summary judgment of January 2, 2003, and further provided that trial would begin on March 17, 2003. (See Exhibit "A.")
3. Thereafter, upon the filing of the parties' Stipulated Motion for Extension of Discovery, this Court granted the parties' Motion in part, extending the discovery

deadline until January 17, 2003, and also extending the deadline for filing motions for summary judgment until January 17, 2003. (See Exhibit "B," December 4, 2003 Order.)

4. The parties have exchanged written discovery requests.

5. The parties have been attempting to schedule depositions, but have been unable to do so due to scheduling conflicts of the parties and counsel.

6. Defendant, Salomon Berenholz is unavailable for deposition until January 10, 2003.

7. The undersigned, counsel for Plaintiff, has a deposition scheduled for January 10, 2003 in the matter of *Tornetta, et al. v. CNA Ins. Co., et al.*, C.C.P., Montgomery County, No. 98-14580.

8. Additionally, the undersigned is scheduled to begin trial in the matter of *Provco Ventures I, L.P. et al. v. Lumion Corp., et al.*, C.C.P., Delaware County, No. 02-2628 for the four (4) week period beginning January 13, 2003.

9. Given Defendant's unavailability for deposition before January 10, 2003, and the undersigned's previously scheduled deposition and trial in the above captioned matters, the undersigned will be unable to conduct Defendant's deposition and prepare a motion for summary judgment within the time frames afforded by this Court's current discovery deadline and deadline for motions for summary judgment.

10. Moreover, the undersigned respectfully submits that should this Court further extend the deadlines for discovery and filing of motions for summary judgment, it will be necessary to reschedule trial of this matter for at least thirty (30) days following the current scheduled trial date of March 17, 2003, so as to allow the Court ample time to

consider any motions for summary judgment, and responses thereto, filed by the parties to this action.

11. A thirty (30) day extension of the current discovery deadline, the current deadline for motions for summary judgment, and the trial date will allow the parties time to complete depositions, file motions for summary judgment, and have those motions considered by this Court prior to trial.

12. Counsel for Defendant is in agreement with the requested extensions.

WHEREFORE, Plaintiff, Joyce monger, by and through her undersigned counsel, respectfully requests that this Honorable Court further extend the deadlines in this action as follows:

1. Discovery Deadline: February 17, 2003
2. Deadline for Filing Motions for Summary Judgment: February 17, 2003
3. Trial Date: April 17, 2003

Dated: December \_\_\_\_, 2002

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**ORDER**

AND NOW, this \_\_\_\_\_ day of December, 2002, upon consideration of Plaintiff's Motion to Extend Discovery, Extend Deadline for Motions for Summary Judgment, and to Reschedule Trial Date, it is **ORDERED** that Plaintiff's Motion is **GRANTED**, and that this Court's previous Order of December 4, 2002, is modified as follows:

1. The Discovery deadline is extended to February 17, 2003.
2. The deadline for filing motions for summary judgment is extended to February 17, 2003. All other portions of this Court's December 4, 2002 Order regarding the filing of motions for summary judgment to remain intact.
3. The presently scheduled trial date of March 17, 2003 is adjourned. Trial in this action shall begin on April 17, 2003.
4. In all other respects, the Scheduling Order entered on August 16, 2002 shall remain in effect.

BY THE COURT:

\_\_\_\_\_  
TIMOTHY J. SAVAGE, J.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 13, 2002, a true and correct copy of Plaintiff's Motion to Extend Discovery, Extend Deadline for Motions for Summary Judgment and to Reschedule the Trial Date, with all attachments, was sent via U.S. Mail, postage prepaid to:

Michael G. Trachtman, Esquire  
Powell, Trachtman, Logan, Carrle, Bowman & Lombardo  
427 Allendale Road, Suite 200  
King of Prussia, PA 19406  
*Counsel for Defendant*

Dated: December \_\_\_\_, 2002

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